

"Sec. 3. The method of audit hereby provided for navigation districts, water improvement districts, water control and improvement districts, and all other districts created for improvement and conservation purposes in counties containing a population of not less than seventy-five thousand (75,000), nor more than eighty thousand (80,000) as shown by the last preceding Federal census, and not directly administered by the commissioners court of such counties, shall supersede all other provisions for auditing the receipts and expenditures of such districts otherwise prescribed by law, and all laws and parts of laws in conflict herewith are hereby repealed."

"Sec. 4. Only the provisions of this Act and of Articles 1672 and 1673 shall apply in counties having a population of not less than seventy-five thousand (75,000) and not more than eighty thousand (80,000), according to the last preceding Federal census, which contain navigation districts, water improvement districts, and water control and improvement districts."

#### SIXTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
April 28, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Fellbaum.

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By unanimous consent the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senators Patton and Murphy:

S. B. No. 539, A bill to be entitled "An Act providing that the Texas Prison Board shall have the power to insure the officers and employees of the Texas Prison System against liability to third persons arising from and out of the use and operation of automobiles, motor trucks and other motor vehicles used by the Texas Prison System for purposes legitimately connected with the operation of the Texas Prison System; validating policies heretofore subscribed by the Texas Prison Board for such purposes; and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Neal:

S. B. No. 540, A bill to be entitled "An Act amending S. B. No. 86, Acts of the First Called Session of the Forty-first Legislature by authorizing the receiving of gifts and donations for rehabilitation work, said gifts and donations to be deposited in the State Treasury, subject to the matching of same with Federal funds to a limited amount; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

#### Senate Simple Resolution No. 96a.

Senator Parr sent up the following resolution:

Whereas, The democracy of the Nation took from the Fifteenth Congressional District of this State the Representative in Congress and elevated him to the Vice Presidency of the United States, and

Whereas, We have watched with considerable interest the campaign being carried on in that district to

elect a worthy successor to our own John Garner, and

Whereas, It is gratifying to learn that on last Saturday the Democrats of the Fifteenth Congressional District elected a native son of that district to represent them in the National Congress, now, therefore, be it

Resolved, That we congratulate the Hon. Milton West, a former member of this Legislature, on his election to Congress and he be invited to address the Senate on "his proposed method of curing the ills of government."

PARR.

Read and adopted.

#### Hon. Milton West Addresses Senate.

The Chair appointed Senators Parr, Woodul, and Hornsby to escort Congressman West to the platform.

The Chair introduced President Pro Tem. Walter Woodul who introduced Mr. West.

Mr. West briefly addressed the Senate.

#### House Bill No. 845.

The Chair laid before the Senate as pending business the following bill:

H. B. No. 845, A bill to be entitled "An Act authorizing independent school districts to build or purchase buildings and grounds for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to encumber the same and the income thereof to secure the payment of the purchase price to evidence the indebtedness created thereby by the issuance of bonds, notes or other evidences of indebtedness; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that such obligations shall never be a debt of such school district; providing that such projects shall be deemed self-liquidating in character; providing that repairs to such properties shall be a first lien; providing that the tolls, fees, and other charges made for the use thereof shall be at a rate sufficient to pay the current interest and provide the necessary sinking fund therefor, etc., and declaring an emergency."

The bill was passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 845 was put on its third reading and final passage by the following vote:

Yeas—30.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed by the following vote:

Yeas—17.

Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Hornsby.	Russek.
Moore.	Sanderford.
Oneal.	Small.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Nays—9.

Blackert.	Neal.
Collie.	Regan.
DeBerry.	Stone.
Holbrook.	Woodruff.
Murphy.	

Absent.

Greer.	Martin.
Hopkins.	Redditt.

Absent—Excused.

Beck.

**Bills Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. J. R. No. 32. H. J. R. No. 41.  
H. C. R. No. 46. H. C. R. No. 36.  
H. C. R. No. 48. H. C. R. No. 45.  
H. B. No. 875. H. C. R. No. 51.  
H. J. R. No. 42. H. B. No. 405.

**Conferees Appointed.**

The Chair appointed the following Senate conferees on H. B. No. 399:

Senators Patton, Cousins, Pace, Redditt, Stone.

**Message From the House.**

Hall of the House of Representatives, Austin, Texas, April 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 14, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes, 1925, as amended by Chapter 23, Acts of the Third Called Session, Forty-first Legislature, as amended by Chapter 32, Acts Second Called Session, Forty-first Legislature, relating to ascertaining tax rate, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill Referred.**

H. B. No. 14 referred to Committee on State Affairs.

**House Bill No. 122.**

Senator Rawlings received unanimous consent to move to reconsider the vote by which H. B. No. 122 was finally passed.

The motion prevailed.

Senator Rawlings sent up the following amendment:

Amend House Bill No. 122 by adding a new section to be known as "Section 26-a" to be inserted between lines 29 and 30, page 12, to read as follows:

"Section 26-a. From and after the passage of this Act and the filing of the same in the office of the Secretary of State, the authority and procedure herein prescribed for the calling of local option elections shall be effective, and may be exercised prior to September 15, 1933, to determine whether the sale of beer as herein defined shall be lawful or unlawful in counties or such political subdivisions thereof, and an order shall be entered on the records of the commissioners court declaring the results of such elections as herein provided for; provided, however, said order shall not become effective unless and until House Joint Resolution No. 43 of the Forty-third Legislature shall have been adopted as an amendment to the Constitution of the State of Texas as otherwise provided in this Act; provided however no such election shall be held prior to July 1st, 1933; and no such election shall be held between July 1st, 1933, and the fourth Saturday in August, 1933, unless the commissioners court shall otherwise order."

RAWLINGS,  
POAGE.

The amendment was read and adopted by the following vote:

Yeas—21.

Blackert.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	Woodul.
Parr.	

Nays—6.

Collie.	Purl.
DeBerry.	Woodruff.
Neal.	Woodward

Absent.

Cousins.	Pace.
Martin.	

Absent—Excused.

Beck.

The bill as amended was finally passed by the following vote:

**Yeas—28.**

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poaga.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—2.**

**Moore.**                      **Woodruff.**

**Absent—Excused.**

**Beck.**

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the conference committee report on H. B. No. 28 by a vote of 111 yeas and 8 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Senate Bill No. 94.**

The Chair laid before the Senate on its second reading by unanimous consent, the following bill:

By Senators Greer and Pace:

S. B. No. 94, A bill to be entitled "An Act appropriating four million dollars (\$4,000,000) per year, or so much thereof as may be necessary, for the next two fiscal years for the purpose of promoting the public school interests of rural schools and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, attaching conditions, regulations and limitations, relative thereto, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance

of all rural schools which meet the requirements of this Act a term of a certain length; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a county-wide plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181 of the General Laws of the Fortieth Legislature, Regular Session, as amended by Senate Bill No. 10 passed at the First Called Session of the Forty-first Legislature and further amended by Senate Bill No. 41 (Chapter 20), passed at the First Called Session of the Forty-second Legislature; providing for the payment of transportation aid under certain conditions; providing for the payment of salaries and expenses of county school supervisors; providing for penalties for violation of any of the provisions of this Act; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all monies granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act; and declaring an emergency."

Read second time.

Committee Amendments Nos. 1 and 2 were adopted.

Committee Amendment No. 3 was lost.

Committee Amendment No. 4 was adopted.

Committee Amendment No. 5 was read.

Senator Greer sent up the following amendment to the committee amendment:

Amend Committee Amendment No. 5 to Senate Bill Number 94 by: striking out line 64 on page 5 of printed copy of said bill and inserting therefor the following language:

"Amend Senate Bill No. 94 by inserting a new section between Sections 16 and 17 to be known as 'Section 16A' and reading as follows:

"And by striking out the figures '17' on line 1 of page 6 and inserting in lieu thereof the word and figures '16A'."

GREER.

Read and adopted.

Senator Greer asked unanimous consent to set S. B. No. 94 as special order Monday at 10 a. m.

Objection was heard.

Senator Moore received unanimous consent for consideration of the bill to be suspended without the bill's losing its place on the calendar, until the return of Senator Greer who was called away on important business.

#### Senate Bill No. 246.

Senator Parr asked unanimous consent to suspend the regular order of business and take up S. B. No. 246.

Objection was heard.

#### Recess.

On motion of Senator Purl, the Senate, at 12:21 o'clock p. m., recessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### S. C. R. No. 48.

Senator Oneal sent up the following resolution:

Whereas, H. B. No. 845 has been sent to the House; and,

Whereas, A correction should be made in said bill before the same is signed by the Speaker of the House and the President of the Senate; now therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That H. B. No. 845 be returned to the Senate for correction.

ONEAL.

Read and adopted.

#### House Bill No. 405.

Senator Fellbaum received unanimous consent to call up from the table the following bill:

By Mr. Kayton:

H. B. No. 405, A bill to be entitled "An Act giving to Krisch, Lanham

& Walker, a partnership firm composed of Rudy Krisch, Jr., R. E. Lanham, and S. P. Walker, of San Antonio, Bexar County, Texas, consent of the Legislature to sue the State of Texas and State Highway Commission for balance due under a contract dated February 2, 1931, for the improvement of Road No. 131, Job No. 136-B, in Kinney County, Texas, commencing at Station 0/00, Brackettville, and extending thence to Station 486/60.3, Spofford, and for damages in connection with and growing out of said contract, and declaring an emergency."

The bill was passed to third reading.

On motion of Senator Fellbaum, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 405 was put on its third reading and final passage by the following vote:

Yeas—30.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.

Read third time and finally passed. Senator DeBerry asked to be recorded as voting "No."

#### Senate Bill No. 289.

The Chair laid before the Senate on its second reading, by unanimous consent, the following bill:

By Senator Holbrook:

S. B. No. 289, A bill to be entitled "An Act making appropriations out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish, and Oyster Commission on sand, shell and gravel used by coun-

ties, cities and towns for constructing streets and roads; and declaring an emergency."

Read second time.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 289 by adding at end of Section 1 the following:

City of Houston.....	\$ 382.00
Chambers County .....	1036.43
Galveston County .....	213.16
City of Houston .....	459.74
Galveston County .....	299.68

HOLBROOK.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 289 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Murphy.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Neal.	Sanderford.

Small.  
Stone.  
Woodruff.

Woodul.  
Woodward.

Nays—1.

Collie.

Absent—Excused.

Beck.  
Greer.

Murphy.

Senate Bill No. 259.

The Chair laid before the Senate as pending business S. B. No. 259.

On motion of Senator Small the bill was laid on the table subject to call.

Senators Excused.

On motion of Senator Russek, Senators Murphy and Greer were excused for the afternoon on account of important business.

Senate Bill No. 531.

The Chair laid before the Senate on its second reading, by unanimous consent, the following bill:

By Senator Hornsby:

S. B. No. 531, A bill to be entitled "An Act amending Article 6674-n, Revised Civil Statutes of 1925, as amended by Chapter 10, Acts of the Third Called Session of the Forty-first Legislature, and Chapter 79, Acts of the Fifth Called Session of the Forty-first Legislature, so as to authorize the State Highway Commission or the commissioners court to condemn land not more than one hundred feet in width for stream-bed diversion in connection with the locating, relocating, or construction of a designated State highway; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 531 was put on its third reading and final passage by the following vote:

Yeas—28.

Blackert.  
Collie.  
Consins.  
DeBerry.

Duggan.  
Fellbaum.  
Holbrook.  
Hopkins.

Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Neal.	Russek.
Oneal.	Sanderford.
Pace.	Small.
Parr.	Stone.
Patton.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.

Absent—Excused.

Beck.	Murphy.
Greer.	

Read third time and finally passed  
by the following vote:

Yeas—27.

Blackert.	Patton.
Collie.	Poage.
Consins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—1.

DeBerry.

Absent—Excused.

Beck.	Murphy.
Greer.	

S. J. R. No. 18.

The Chair laid before the Senate  
on its second reading the following  
resolution:

By Senator Woodul:

S. J. R. No. 18, Proposing an  
amendment to Section 21, Article  
4 of the Constitution of the State of  
Texas fixing the salary of the Sec-  
retary of State; providing for its  
submission to the voters of the State  
of Texas as required by the Consti-  
tution, and making an appropriation  
therefor.

Read second time and passed to  
engrossment by the following vote:

Yeas—22.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—4.

Collie.	Holbrook.
DeBerry.	Redditt.

Absent.

Purl.	Stone.
-------	--------

Absent—Excused.

Beck.	Murphy.
Greer.	

S. J. R. No. 14.

The Chair laid before the Senate  
on its second reading the following  
resolution:

By Senator Small:

S. J. R. No. 14, Proposing and sub-  
mitting to the people of the State  
of Texas an amendment to Section  
10 of Article 1 of the Constitution  
of Texas, authorizing the Legislature  
to enact a law providing for the  
prosecution of felonies by informa-  
tion as well as by indictment, and  
to modify the grand jury system.

Read second time and passed to  
engrossment by the following vote:

Yeas—26.

Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—2.

Collie.	DeBerry.
---------	----------

Absent—Excused.

Beck.  
Greer.

Murphy.

**S. J. R. No. 19.**

The Chair laid before the Senate on its second reading the following resolution:

By Senator Duggan:

S. J. R. No. 19, Proposing amendment to Section 5 of Article 7 of the Constitution of the State of Texas; providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

Read second time and passed to engrossment.

**S. J. R. No. 23.**

The Chair laid before the Senate on its second reading the following resolution:

By Senator Fellbaum:

S. J. R. No. 23, Proposing an amendment to Section 30 of Article XVI of the Constitution of the State of Texas, so as to fix the duration of all offices not otherwise fixed by the Constitution to four years, providing that the Railroad Commission shall be composed of three members, who shall be elected as now provided, by the people, and fixing their term of office, which shall be six years and that one Railroad Commissioner shall be elected every two years and in case of vacancy in said office, that the Governor fill the same by appointment until the next general election; and providing that this amendment shall not apply to nor affect provisions of Section 30 of Article XVI providing for election on such proposed constitutional amendment and making an appropriation therefor.

Read second time and passed to engrossment.

Senators DeBerry, Collie, and Poage asked to be recorded as voting "Nay."

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 48, Requesting the House to return to the Senate for correction H. B. No. 845.

H. B. No. 845 returned to the Senate under authority of S. C. R. No. 48.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Free Conference Report.**

Senator Woodward sent up the following free conference committee report:

Committee Room,

Austin, Texas, April 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, heretofore appointed to adjust the differences between the two Houses in respect to H. B. No. 231, have duly considered the differences between the two Houses and have reached an agreement whereby we have adjusted the differences and we have adopted the bill as amended by the Senate, with the following additions, to-wit:

(1) The original Senate amendment provides as one of the prerequisites of the defendant's right to a continuance that he show that he was not in arrears in the payment of his taxes for more than two years. This has been changed to four years.

(2) The original Senate amendment provided for an extension of one hundred and eighty days, and we have extended it to two hundred days with the right for a further extension to May 1, 1934.

(3) The bill as now written applies in all suits pending or which might be filed during the life of the Act wherein (a) the plaintiff seeks to recover real estate and (b) wherein he sues on notes and seeks to foreclose the vendor's lien and (c) for injunctions against sales of real estate under powers conferred by deeds of trust.

We attach hereto a complete bill as written by your conferees and recommend the adoption of this re-



port and the final passage of said bill by both Houses.

WOODWARD,  
ONEAL,  
RAWLINGS,  
PACE,

Upon the part of the Senate.

GREATHOUSE,  
STANFIELD,  
POPE,  
LINDSEY,  
McCLAIN,

Upon the part of the House.

A BILL  
To Be Entitled

An Act providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on the effective date hereof or which may be filed within one hundred and eighty (180) days from the effective date hereof, or as otherwise provided herein, may be postponed or continued, and orders of sales and executions may be stayed by complying with the conditions as provided in this Act, authorizing temporary injunctions to stay sales under execution, orders of sales or deeds of trust, providing for extensions under certain conditions; permitting appeals without requiring supersedeas bonds, and setting forth the conditions to be complied with and the duties of the judge and of the court in respect thereto, limiting the time this Act shall be effective and suspending laws in conflict herewith, but not repealing any laws, containing a savings clause, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the effective date of this Act and during the period of time this Act is made effective as provided herein, in all suits or causes of action which are pending in any trial court exercising jurisdiction in this State on the effective date of this Act, and in all suits or causes of actions which may be filed within one hundred and eighty (180) days from and after the effective date of this Act and in

which a judgment for the recovery of real property sought to be recovered, or wherein a recovery of real property is sought for a failure or omission to pay any indebtedness due thereon, or to foreclose any lien or liens thereon, the defendant shall have the right to a postponement or continuance thereof as herein provided and a stay of orders of sales or executions by complying with the conditions as hereinafter set forth, to-wit:

(1) That the defendant file therein a sworn statement showing:

(a) That the defendant is unable to pay said indebtedness and that the property of the defendant, if sold under an order of sale, or any other property of the defendant, if sold under execution, would probably sell for less than its reasonable market value, and/or less than its intrinsic value.

(1a) That the lien sought to be foreclosed was not procured or obtained for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement.

(b) That the rendition of a judgment as prayed for by plaintiff and the sale of the defendant's property under deed of trust or execution or order of sale would result in an unfair, unjust and inequitable financial injury to the defendant.

(c) That the property upon which the lien is sought to be foreclosed is not being wasted, ill treated, mismanaged or destroyed and is in substantially as good condition as when the lien was first executed, and that the defendant has not, with the intent to defeat or delay the collection of the indebtedness or the enforcement of the lien, dissipated the property or the rents and revenues theretofore derived therefrom.

(d) That the defendant is not in arrears in the payment of taxes for more than four (4) years since February 1, 1922, on the property involved in the suit.

(e) That the defendant consent either to the appointment by the judge or the court of a disinterested party to collect all rents and revenues, derived from the property upon which the lien exists, during the period of postponement or con-

tinuance or stay of orders of sales or executions and to apply the same as a credit on the indebtedness, or deposit the same in the registry of the court to await the final disposition of the case or to use, apply or dispose of the rents as the judge may direct without the appointment of a disinterested party to collect the same.

Upon the filing of such motion the judge or court before whom said suit or cause of action is pending, shall, before proceeding to trial on its merits, hear evidence in support of or against the facts alleged in said motion, and if it be made to appear to the court that said allegation of the time fixed by the court; shall defer rendering judgment in said cause for as long a period or one hundred and eighty (180) days, nor shall any order of sale or execution issue until after the expiration of the time fixed by the Court; provided, however, that the judge or court shall have authority, upon further application at the end of the time to which cause has been postponed, but not after the expiration of two hundred (200) days from the effective date of this Act, if it reasonably appears that the same condition exists as in the first instance, to grant further extensions from time to time, but in no event beyond May 1, 1934.

It shall be the duty of the court in determining whether or not said allegations are true, and whether a postponement or continuance shall be granted, to take into consideration the financial condition of the parties, both plaintiffs and defendants, and the nature and character of the property, and the disposition likely to be made of the property if taken possession of by the plaintiff or retained by the defendant and the general economic conditions existing at the time of the hearing of the application.

Sec. 2. Nothing herein shall be held to prevent or limit the right of any court to enter any judgment by agreement of the parties.

Sec. 3. The judge or court having jurisdiction of the subject matter, is hereby authorized to grant temporary injunctions at the instance of the debtor to prevent a sale of real property under execu-

tion, orders of sale of real property or under deeds of trust conveying lands as security for debt upon the same terms and conditions as is authorized by Section 1 of this Act and during the life of this Act.

Sec. 4. Nothing contained in this Act shall prevent the court or the judge thereof, upon good cause shown, from granting such preliminary and ancillary remedies by injunction or otherwise, including receivership in accordance with the provisions of the law and the usages of equity which may, in the discretion of such court or judge, appear to be necessary for the preservation and protection of the rights of parties and of property during the pendency of any litigation concerning the subjects herein mentioned.

Sec. 5. During the existence of this Act and as long as it is operative, nothing herein contained shall prevent parties from litigating and contesting cases pending in court and appealing from judgment rendered therein without filing the motion mentioned in Section 1 hereof, or after such motion is overruled, and in cases where judgments are rendered and an appeal is taken, the appealing party shall be entitled to have execution or order of sale stayed and postponed pending such appeal without filing a supersedeas bond, if from the facts proven upon application for such stay order, it reasonably appears to the court that the appealing party is unable to execute a good and sufficient supersedeas bond or that it would be inequitable, unjust and unfair to permit his property (whether secured by lien or not) to become subjected to sale during the pendency of such appeal.

Sec. 6. If and in the event any defendant does not elect to file the motion and make proof in support thereof, as authorized by Section 1 of this Act, and proceeds to trial, as provided by Section 5 of this Act, and is relieved of the necessity of filing a supersedeas bond and having executions or orders of sales stayed and postponed pending his appeal, then in such event if the judgment is one foreclosing a lien upon real property, the defendant in judgment so appealing, as a prerequisite to his

right to have executions and orders of sale stayed or postponed and as a prerequisite to his right to appeal without the filing of a supersedeas bond, shall consent to the appointment by the judge of the court of some disinterested party to collect all rents and revenues derived from the property upon which the lien exists during the period of the appeal and that the person so appointed by the court shall apply the same as a credit on the indebtedness or deposit the same in the registry of the court, to await the final disposition of the case as the judge may direct.

Sec. 7. If any defendant in any cause pending during the life of this Act shall represent to the court in writing that he is unable to employ attorneys to present the motion as herein authorized and to present the facts to the court, the court shall appoint reputable counsel to represent said defendant and in all cases it shall be the duty of the court to aid in the development of all facts necessary to enable the court to intelligently and fairly act upon the issues presented by the application filed by the defendant who is unable to employ counsel.

Sec. 8. No act of any person, corporation, partnership or association invoking the benefits of this Act shall be construed to be a confession or admission, directly or indirectly, of insolvency, so as to force involuntary receivership, and no testimony heard or evidence adduced in or by any trial court under the terms of this Act, either in support of or in opposition to the application of any such person, corporation, partnership or association shall be admitted in evidence in any court in any action of receivership or in any action involving the solvency or insolvency of the defendant.

Sec. 9. This Act shall have no effect upon any suit or cause of action based upon or seeking to enforce a contract or contracts entered into or obligations executed or assumed subsequent to the effective date of this Act, even though such contracts or obligations be in renewal or extension of, or otherwise relate to contracts or obligations executed or assumed prior to the effective date of this Act.

Sec. 10. If any section, subsection, subdivision, paragraph, sentence, clause or words of this Act be held to be unconstitutional, the remaining portions shall nevertheless be valid and it is declared that such remaining portions would have been included in this Act, though the unconstitutional portions had been omitted therefrom.

Sec. 11. All laws or parts of laws in conflict with any of the provisions of this Act, are hereby suspended for the period of one hundred and eighty (180) days from and after the effective date hereof, and to May 1, 1934, in all cases where extensions have been granted to that date as provided by this Act, but no statute is intended to be repealed and upon the expiration of two hundred days from and after the effective date of this Act, it shall be of no further force and effect and any and all laws suspended during the effective period of this Act, shall immediately become operative and in full force and effect as effectively as if this Act had not been passed.

Sec. 12. The fact that an extraordinary financial emergency and depression exists within this State and elsewhere, and that many citizens are threatened with destructive suits for the recovery of money and to the foreclosure of liens upon property and that it is difficult to secure supersedeas bonds, and by reason thereof imminent danger exists whereby citizens may be subjected to distressing losses, and because thereof such suits or proceedings as provided in this Act should be permitted to be stayed or continued, for the period and under the circumstances as herein provided, and the fact that great and irreparable wrong and injury will be done unless immediate relief as aforesaid hereby be granted, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Read and adopted by the following vote:

## Yeas—21.

Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Rawlings.
Fellbaum..	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

## Nays—3.

Collie.	Small.
Holbrook.	

## Absent.

Blackert.	Purl.
Martin.	Stone.

## Absent—Excused.

Beck.	Murphy.
Greer.	

## Senate Bill No. 179.

Senator Cousins received unanimous consent to call up from the table S. B. No. 179.

The Chair substituted for S. B. No. 179 the following House bill on the same subject:

By Mr. Nicholson (by request):

H. B. No. 487, A bill to be entitled "An Act to amend Chapter 91, of the General Laws of the Fortieth Legislature, amending Article 7596, of the Revised Statutes of the State of Texas, regulating liens for water rates, so as hereafter to limit the statutory lien on crops to secure water rates for irrigation to one-third of the crop; and to give to those supplying water for irrigation a preference lien on crops, superior to every other lien; to limit the lien which public utilities may contract for on crops to one-third; and to authorize waiver of lien by districts, and declaring an emergency."

Read second time.

Senator Russek sent up the following amendment:

Amend H. B. No. 487 by adding a new section to be properly numbered and to read as follows:

"The provisions of this Act shall not apply to counties in the following Senatorial Districts: Twenty-seventh, Eighteenth, Sixteenth, Nine-

teenth, Eleventh, Twentieth, Twenty-eighth, Twenty-second, Twenty-sixth, Seventh, Tenth, Thirty-first and Fifteenth, and Fort Bend County."

RUSSEK.

The amendment was read.

Senator Cousins moved to table the amendment. The motion was lost by the following vote:

## Yeas—5.

Cousins.	Poage.
Fellbaum.	Redditt.
Holbrook.	

## Nays—18.

Blackert.	Purl.
Collie.	Rawlings.
DeBerry.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

## Present—Not Voting.

Neal.

## Absent.

Duggan.	Patton.
Martin.	Stone.

## Absent—Excused.

Beck.	Murphy.
Greer.	

Senator DeBerry moved to reconsider the vote by which the motion to table was lost. The motion prevailed.

The motion to table the amendment was lost by the following vote:

## Yeas—5.

Cousins.	Poage.
DeBerry.	Redditt.
Holbrook.	

## Nays—22.

Blackert.	Neal.
Collie.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Hopkins.	Patton.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Regan.

Russek. Woodruff.  
Sanderford. Woodul.  
Small. Woodward.

Absent—Excused.

Beck. Murphy.  
Greer. Stone.

The amendment was adopted.  
The bill was passed to third reading by the following vote:

Yeas—15.

Cousins. Poage.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Fellbaum. Regan.  
Holbrook. Sanderford.  
Hornsby. Small.  
Neal. Woodward.  
Oneal.

Nays—7.

Blackert. Parr.  
Collie. Russek.  
Hopkins. Woodul.  
Moore.

Absent.

Page. Purl.  
Patton. Woodruff.

Absent—Excused.

Beck. Murphy.  
Greer. Stone.  
Martin.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 487 was put on its third reading and final passage by the following vote:

Yeas—25.

Collie. Patton.  
Cousins. Poage.  
DeBerry. Purl.  
Duggan. Rawlings.  
Fellbaum. Redditt.  
Holbrook. Regan.  
Hopkins. Russek.  
Hornsby. Sanderford.  
Moore. Small.  
Neal. Woodruff.  
Oneal. Woodul.  
Pace. Woodward.  
Parr.

Absent—Excused.

Beck. Martin.  
Blackert. Murphy.  
Greer. Stone.

Read third time and finally passed by the following vote:

Yeas—15.

Cousins. Poage.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Fellbaum. Regan.  
Holbrook. Sanderford.  
Neal. Small.  
Oneal. Woodward.  
Patton.

Nays—8.

Collie. Parr.  
Hopkins. Purl.  
Hornsby. Russek.  
Moore. Woodul.

Absent.

Blackert. Woodruff.  
Pace.

Absent—Excused.

Beck. Murphy.  
Greer. Stone.  
Martin.

On motion of Senator Cousins, S. B. No. 179 was indefinitely postponed.

#### Senate Bill No. 395.

The Chair laid before the Senate on its second reading, as special order, the following bill:

By Senator Neal:

S. B. No. 395, A bill to be entitled "An Act amending Article 3022, Revised Civil Statutes of 1925; providing for unofficial but complete returns in addition to official return as provided by law; defining further the duties of election officers, of the chairmen of the State, district and county executive committees of political parties, of the county clerks and of the Secretary of State; providing for their compensation for said additional duties; providing for the payment of expenses of unofficial returns; regulating the use of unofficial returns; amending Articles 3033 and 3034, Revised Civil Statutes of 1925; amending Articles 3123, 3124, and 3125, Revised Civil Statutes of 1925; amending Article 3127, Revised Civil Statutes of 1925; amending Articles 3134 and 3135, Revised Civil Statutes of 1925; providing penalties for violation of this Act and remedies for its enforce-

ment; providing that if any section, paragraph or provision of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining portions or provisions hereof; and declaring an emergency."

Read second time.

Senator Neal sent up the following amendments:

Amend S. B. No. 395 on page 1, section 2, line 60, of the printed bill by striking out the word "he" between the words "tabulated" and "shall" and insert in lieu thereof the following: "the county clerk or county chairman."

NEAL.

Read and adopted.

Amend S. B. No. 395, on page 2, section 2, line 2, of the printed bill by inserting between the words "State" and "an" the following: "if a general election, or to the State Chairman, if a primary election."

NEAL.

Read and adopted.

Senator Moore raised the point of order that a quorum was lacking. The roll call showed 21 present.

The bill as amended was passed to engrossment by the following vote:

Yeas—16.

Blackert.	Patton.
Collie.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Hopkins.	Russek.
Moore.	Sanderford.
Neal.	Woodul.
Parr.	Woodward.

Nays—6.

DeBerry.	Poage.
Hornsby.	Rawlings.
Oneal.	Woodruff.

Absent.

Cousins.	Small.
Pace.	

Absent—Excused.

Beck.	Martin.
Greer.	Murphy.
Holbrook.	Stone.

On motion of Senator Neal, the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 395 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Absent—Excused.

Beck.	Martin.
Greer.	Murphy.
Holbrook.	Stone.

Read third time and finally passed.

Pages Excused.

On motion of Senator Sanderford, the pages were excused at 3:40 o'clock p. m., for the afternoon.

Senate Bill No. 440.

The Chair laid before the Senate on its second reading, by unanimous consent, the following bill:

By Senator Hopkins:

S. B. No. 440, A bill to be entitled "An Act to amend Articles 450, 451 and 539 of the Revised Civil Statutes of Texas; providing for the liquidation of solvent banks through the Banking Commissioner of Texas; providing for procedure for such liquidation; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 440 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Fellbaum.
Collie.	Holbrook.
Cousins.	Hopkins.
DeBerry.	Hornsby.
Duggan.	Moore.

Neal.	Regan.
Oneal.	Russek.
Parr.	Sanderford.
Patton.	Small.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Redditt.	

**Absent—Excused.**

Beck.	Murphy.
Greer.	Pace.
Martin.	Stone.

Read third time and finally passed by the following vote:

**Yeas—25.**

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

**Absent—Excused.**

Beck.	Murphy.
Greer.	Pace.
Martin.	Stone.

**Motion to Reconsider.**

Senator Oneal moved to reconsider the vote by which H. B. No. 845 was finally passed and spread the motion on the Journal.

**Senate Bill No. 35.**

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Moore:

S. B. No. 35, A bill to be entitled "An Act amending Article 3118 by adding to it Article 3118-A, providing that the county executive committee of any political party shall require a bond of the county chairman or of the secretary, prescribing the conditions and amount thereof, for the recovery thereon; for the paying of the fees therefor; and declaring an emergency."

Read second time.

Senator Moore sent up the following substitute for the committee amendment:

Substitute for committee amendment to S. B. No. 35:

Amend S. B. No. 35 by striking out the period after the word "conducted" in line 23 and insert between the words "conducted" and "said" the following: "Provided the maximum bond shall, in no event, exceed five thousand (\$5000.00) dollars," and amend the caption to conform.

MOORE.

Read and adopted.

The committee amendment as substituted was adopted.

The bill was passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 35 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

**Absent—Excused.**

Beck.	Murphy.
Greer.	Pace.
Martin.	Stone.

Read third time and finally passed.

**Senate Bill No. 527.**

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Small:

S. B. No. 527, A bill to be entitled "An Act amending Senate Bill Number 512 passed at the Regular Session of the Forty-second Legislature, 1931; providing for changing and prescribing times of holding court in

the 84th Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances and making them returnable to the terms of court in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provision relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 527 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Beck.	Murphy.
Greer.	Pace.
Martin.	Stone.

Read third time and finally passed by the following vote:

Yeas—25.

Blackert.	Neal.
Collie.	Oneal.
Consins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Moore.	Russek.

Sanderford.	Woodul.
Small.	Woodward.
Woodruff.	

Absent—Excused.

Beck.	Murphy.
Greer.	Pace.
Martin.	Stone.

#### Senate Bill No. 24.

Senator DeBerry received unanimous consent for the positions of S. B. Nos. 28 and 24 on the calendar to be exchanged.

#### House Bill No. 646.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Holekamp (by request):

H. B. No. 646, A bill to be entitled "An Act to prohibit the sale, or offering for sale, or the buying of any bass, crappie, perch or catfish, or any other fish, taken from the fresh waters within the following named counties: San Saba, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Val Verde, Edwards, Sutton, and Real; and to prohibit the use of trot line, drag seine, or net, and to limit the size and number of fish to be caught; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 646 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Hopkins.
Collie.	Hornsby.
Cousins.	Moore.
DeBerry.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Holbrook.	Parr.



Patton.	Russek.
Poage.	Sanderford.
Purl.	Small.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward

Absent—Excused.

Beck.	Murphy.
Greer.	Stone.
Martin.	

Read third time and finally passed  
by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Murphy.
Greer.	Stone.
Martin.	

#### Senate Bill No. 47.

On motion of Senator Woodward,  
S. B. No. 47 was indefinitely postponed.

#### Senate Bill No. 533.

The Chair laid before the Senate  
on its second reading by unanimous  
consent the following bill:

By Senator Rawlings:

S. B. No. 533, A bill to be entitled  
"An Act to amend Subsection 5, of  
Section 12, of House Bill No. 3,  
passed at the Regular Session of the  
Forty-third Legislature, and declar-  
ing an emergency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to engrossment.

On motion of Senator Rawlings,  
the constitutional rule requiring  
bills to be read on three several days  
was suspended and S. B. No. 533 was

put on its third reading and final  
passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Murphy.
Greer.	Stone.
Martin.	

Read third time and finally passed  
by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Murphy.
Greer.	Stone.
Martin.	

#### Senate Bill No. 125.

The Chair laid before the Senate  
on its second reading by unanimous  
consent the following bill:

By Senators Duggan and Horns-  
by:

S. B. No. 125, A bill to be entitled  
"An Act making it a misdemeanor,  
punishable by fine of not less than  
fifty dollars nor more than two  
thousand dollars and in addition  
thereto imprisonment in the county  
jail for not less than thirty days nor  
more than six months, for any per-

son who is the owner or part owner of any land, rural or urban, in this State which land is encumbered with a valid contract lien, to remove or knowingly to permit removal from said land any house, outhouse, barn, garage, fence or other improvement thereon or to wilfully damage or destroy any such house, outhouse, barn, garage, fence or other improvement thereon or to permit it to be done during the existence of such lien without consent of the holder of such lien, and declaring an emergency."

The two committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 125 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Murphy.
Greer.	Stone.
Martin.	

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.  
Greer.  
Martin.

Murphy.  
Stone.

#### Senate Bill No. 24.

The Chair laid before the Senate on its second reading as special order, the following bill:

By Senators DeBerry and Woodward:

S. B. No. 24, A bill to be entitled "An Act to repeal Chapter 97, Senate Bill No. 18, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

#### S. C. R. No. 49.

Senator Moore sent up the following resolution:

Whereas, It appears there will be upwards of thirty or more amendments submitted to the State Constitution during the next two years, and

Whereas, The expense incident to publishing these amendments and holding elections for same will be exorbitant and unreasonable, and

Whereas, It appears that considerable of this expense can be saved by consolidating the amendments and submitting them to the voters at the same time, and

Whereas, It appears that the citizens of Texas are clamoring for a general revamping of the fundamental law of the State, therefore be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Committee on Constitutional Amendments of the Senate and the House of Representatives be and they are hereby instructed to arrange in their own way a consolidation of the proposed constitutional amendments by revising the entire Constitution of the State, working the proposed changes into the now existing organic law, and submitting the entire Constitution to a vote of the people of Texas; be it further

Resolved, That the Committees above referred to be prepared to submit their revised changes of the entire Constitution at their earliest convenience, prior to adjournment

of the Regular Session of the Forty-third Legislature.

MOORE,  
SMALL.

Read and referred to Committee on Constitutional Amendments.

#### Free Conference Report.

Senator Small sent up the following free conference report:

Committee Room,

Austin, Texas, April 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on House Bill No. 28,

Have had same under consideration, and beg leave to report back that we have adjusted the differences between the two Houses, and recommend that the bill be passed as heretofore finally passed by the Senate.

Respectfully submitted,

SMALL,  
DeBERRY,  
COLLIE,  
PATTON,

On the part of the Senate.

ALSUP,  
READER,  
WALKER,  
SULLIVANT,  
MATHIS, Sr.

On the part of the House.

On motion of Senator Small, the report was ordered printed in the Journal.

#### Bill Ordered Printed.

Senator Poage received unanimous consent to have printed in the Journal the following bill as signed by the Governor:

By Morrison et al. H. B. No. 150.

#### A BILL

#### To Be Entitled

An Act to amend Article 2218, Title 41, Chapter 9, of the Revised Civil Statutes of 1925, by providing that in cases of foreclosure of real property where the proceeds of the sale shall be insufficient to satisfy the judgment on the debt that the party obligated shall have the right to

plead and prove the actual value of the property at the time and place of such sale and shall be entitled to a credit of any difference between its actual value and the sale price of such property; and providing that any action or writ seeking to enforce any deficiency judgment shall be commenced or application made therefor within six months from the date of any sale of real estate, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2218, Title 41, Chapter 9, Revised Civil Statutes, 1925, be and the same is hereby amended so as to hereafter read as follows:

"Article 2218. Judgments for the foreclosure of mortgages and other liens shall be that the plaintiff recover his debt, damages and costs, with a foreclosure of the plaintiff's lien on the property subject thereto, and except in judgments against executors, administrators and guardians, that an order of sale shall issue to the sheriff or any constable of the county where such property may be, directing him to seize and sell the same as under execution, in satisfaction of the judgment; and, if the property cannot be found, or if the proceeds of such sale be insufficient to satisfy that judgment, then to make the money, or any balance thereof remaining unpaid, out of any other property of the defendant, as in case of ordinary executions; providing that if the property be real property, and if the proceeds of such sale be insufficient to satisfy the judgment, and providing that if the mortgagee or lien holder has elected to foreclose his mortgage or lien to satisfy his debt, or if the property be real property, and if sold under deed of trust or other contract and the proceeds of such sale be insufficient to satisfy the debt, and the mortgagee or lien holder shall thereafter bring suit against the maker of the debt or any person who has assumed the payment thereof, or who is obligated thereon, or if a deficiency judgment exists after sale under execution or order of sale, the defendant or defendants in such suit may plead as a defense or partial defense to such suit or against such deficiency

judgment that said property at such foreclosure was sold for less than its actual value, exclusive of superior liens including tax liens, at the time and place of such sale; and may by proper pleading and evidence show the actual value, exclusive of superior liens including tax liens, of such property at the time and place of such foreclosure sale; and if such actual value, exclusive of superior liens including tax liens, be shown to be more than the amount for which such property was sold at such foreclosure, the defendant or defendants shall be entitled to a credit upon such deficiency indebtedness of the difference between the amount of such foreclosure price and the actual value, exclusive of superior liens, including tax liens, of such property at the time and place of such foreclosure sale. The burden of proof shall be upon the defendant to establish by clear and satisfactory evidence the facts necessary to establish his defense or offset or credit, and the court shall so instruct the jury."

Sec. 2. All actions for the recovery of any judgment on any note or notes secured by a lien on real estate shall be brought within six months after the date of any sale of the real estate security and no court shall have any jurisdiction to maintain any such action brought after such date.

Sec. 3. No writ of execution, attachment, garnishment, or other writ or order seeking to enforce any money or deficiency judgment had on any note or other obligation secured by any lien on real estate shall ever be issued by any court of this State unless the application for said writ or order shall have been made within six months after any sale shall have been had of any real estate securing the note or other obligation.

Sec. 4. In no case where the lien is given or obtained to secure the payment of a debt for money or property procured by false representation, fraud or defalcation, shall the defendant be allowed to plead that the property sold at less than its actual value, but any sale fairly made under such lien shall be conclusively presumed to have been

made for the actual value of such property sold.

Sec. 5. The fact that many honest, hard working and worthy city home owners and farm owners are being foreclosed in these hard, stringent and depressed times when their real estate is being bought in at foreclosure sales, in many instances, at unconscionably low prices by mortgage holders and lien holders who are securing deficiency judgments for the unpaid balance of the mortgage or lien held against these property holders, thereby harassing and embarrassing honest, worthy people by hanging unwarranted judgments over their heads and further depressing their spirits when calamity overtook them through no fault of their own, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Adjournment.

Senator Hopkins moved to adjourn until 10 o'clock Monday morning.

Senator Woodruff moved to recess until 10 o'clock tomorrow morning.

The motion to adjourn prevailed by the following vote:

Yeas—13.

Blackert.	Purl.
Cousins.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Neal.	Sanderford.
Parr.	

Nays—8.

Collie.	Oneal.
DeBerry.	Poage.
Hornsby.	Small.
Moore.	Woodruff.

Present—Not Voting.

Woodul.

Absent.

Duggan.	Patton.
Pace.	Woodward.

## Absent—Excused.

Beck.	Murphy.
Greer.	Stone.
Martin.	

At 4:10 o'clock p. m., the Senate adjourned.

## APPENDIX.

## Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 533 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 440 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 531 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 19 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 23 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

## Committee Room.

Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 18 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 14 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 289 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 125 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

## Committee Reports.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 646, a bill to be entitled "An Act to prohibit the sale or offering for sale or the buying of any bass, crappie, perch or catfish, or any other fish taken from the fresh waters within the following named counties: San Saba, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Val Verde, Edwards, Sutton, and Real; and to prohibit the use of trotline, drag seine or net, and to limit the size and number of fish to be caught; prescribing a penalty; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Amendment.

Amend H. B. No. 646, by striking out of the bill and the caption wherever it appears, the word "Val Verde."

WOODWARD.

Committee Room,

Austin, Texas, April 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 518, A bill to be entitled "An Act providing that all counties, cities, towns, villages, road districts, levee districts, drainage districts, water control and improvement districts, etc., shall have power and authority to do all things necessary in the procuring of loans for the benefit of the Reconstruction Finance Acts, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, April 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 327, A bill to be entitled "An Act to regulate the granting of pipeline right-of-way easements, and the terms thereof and the rates to be charged therefor, across public lands of Texas; providing for the disposition of proceeds received from such easements; providing for interest on past due amounts; providing for payment for pipeline rights-of-way heretofore taken and now used or occupied by any person or corporation; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, April 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 432, A bill to be entitled "An Act to amend Section 1 of Chapter 117, being H. B. No. 847, passed by the Forty-second Legislature of the State of Texas as appears from page 229 of the Special Laws of said Forty-second Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, April 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 494, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to sell the West 3/4 of the West 1/2 of Section 40, Block M-15 in Swisher County, Texas, to T. H. Love, under the provisions of Chapter 271, Acts of the Forty-second Legislature, Regular Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, April 28, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 351, A bill to be entitled "An Act to amend Article 2888 of Subdivision 2 of Title 49, Revised Civil Statutes of the State of Texas, 1925, relating to college certificates for teachers, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,  
Austin, Texas, April 28, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 350, A bill to be entitled "An Act to amend Article 2889a of Subdivision 2 of Title 49, Revised Civil Statutes of the State of Texas, 1925, relating to special teachers certificates, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

#### SIXTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
May 1, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Breer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending reading of the Journal of yesterday, the same was dispensed with on motion of Senator Stone.

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and con-

sent was granted to introduce the following bills:

By Senator Parr (by request):

S. B. No. 541, A bill to be entitled "An Act to amend Article 2673 of the Revised Civil Statutes of 1925, as amended by Section No. 1, of Chapter 278 of the Acts of the Forty-first Legislature in 1929, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Regan (by request):

S. B. No. 542, A bill to be entitled "An Act providing for the formation of a county-wide common school district in Kinney County on majority vote of the qualified voters of said county; for the abolition of existing school districts therein; for the election of trustees of said county-wide district; authorizing the levy, assessment and collection of taxes, and elections therefor; prescribing powers and duties of such trustees; enacting other incidental provisions; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

#### S. C. R. No. 50.

Senator Collie sent up the following resolution:

Whereas, On or about March 21, 1933, Alfred Brown, the three-year-old son of Mary Brown and M. H. Brown sustained and suffered serious and permanent bodily injury and was damaged by the State Highway Department of Texas by an explosion of a dynamite cap left by the State Highway Department of Texas on Highway No. 1 near the bridge across Sweetwater creek immediately east of the town of Sweetwater, Texas, and

Whereas, As a result of such explosion the said Alfred Brown suffered and sustained the permanent loss of the sight of his right eye and a partial permanent loss of the sight of his left eye, with a traumatic cataract formation over the left eye; the thumb, index and middle fingers of left hand were blown away, and fingers on the right hand severely injured, and

Whereas, Said Alfred Brown, nor his parents, have never been com-